

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

JASON A. JOHNSON, *et al.*

PLAINTIFFS

VERSUS

CIVIL ACTION NO.: 2:17cv137-KS-MTP

AARON'S INC.

DEFENDANT

ORDER

THIS MATTER is before the Court on the Motion to Appoint Counsel [13] filed by one of the Plaintiffs, Jason A. Johnson (“Johnson”). The motion briefly states that Johnson is requesting an attorney in light of the recent passing of his counsel. In general, there is no right to counsel in civil cases. *See Turner v. Rogers*, 564 U.S. 431 (2011). A presumption to “right to counsel in civil cases ha[s] [been] found . . . “*only*” in cases involving [possible] incarceration. . . *Id.* (discussing civil contempt for failing to comply with child support)(collecting cases). Johnson has not presented or identified any circumstances that would warrant appointed counsel.¹

IT IS, THEREFORE, ORDERED that:

1. Plaintiff Jason A. Johnson’s Motion to Appoint Counsel [13] is DENIED.
2. On or before March 9, 2018, Plaintiff Jason A. Johnson shall have new counsel enter an appearance in this action **or** notify the Court, in writing, that he intends to proceed without a lawyer.²

¹ Furthermore, Plaintiff paid the filing fee and is not proceeding *IFP* as to avail himself the possibility of receiving counsel under 28 U.S.C. § 1915 in exceptional circumstances. *See Freeze v. Griffith*, 849 F.2d 172, 175 (5th Cir. 1988); *Good v. Allain*, 823 F.2d 64, 66 (5th Cir. 1987); *Feist v. Jefferson County Commissioners Court*, 778 F.2d 250, 253 (5th Cir. 1985); and *Ulmer v. Chancellor*, 691 F.2d 209, 212 (5th Cir. 1982).

² The remaining plaintiffs, Althea and Shakadejel Conerly, were previously ordered to have an appearance made on their behalf or to disclose their intent to proceed *pro se* by February 16, 2018. (*See* Order [12]).

3. Plaintiff Jason A. Johnson's failure to comply with this Order may result in the dismissal of this action or otherwise adversely affect his rights.

4. The Clerk of Court is directed to mail copies of this Order to each Plaintiff at the addresses as shown on the Court's docket.

SO ORDERED this the 6th day of February, 2018.

s/ Michael T. Parker

United States Magistrate Judge